
COMMONWEALTH OF VIRGINIA



OFFICE OF THE GOVERNOR

Executive Order 26 (2002)

DELEGATION OF AUTHORITY CONFERRED BY CHAPTER 899 OF THE 2002 ACTS OF ASSEMBLY

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including, but not limited to, § 2.2-104 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the individuals holding the positions named herein the several powers and duties conferred upon me by the provisions of Chapter 899 of the 2002 Acts of Assembly (Appropriation Act for the 2002-04 Biennium), and Chapters 781, 789, 849, 892, 894 and 896 of the 1992 Acts of Assembly (General Obligation Bond Acts), as detailed below.

Unless otherwise specified, "Item/Section" references below refer to Chapter 899 of the 2002 Acts of Assembly.

I. Delegations of Authority to Officials in the Office of Administration

A. To the Secretary of Administration:

Item/Section	Subject Matter
206 E.2	Approval of lease of space for technology transfer, research, and graduate work at Old Dominion University.
C-103	Authorization of capital project for Department of Blind and Vision Impaired.
C-108.10	Approval of land acquisition in Stafford County for Department of Conservation and Recreation.

C-133 Approval of Northern Virginia Office Building for Virginia Department of Transportation.

§4-4.01 u. Amend, adjust or waive any project review and reporting procedures of Executive agencies as may reasonably be required to promote the property improvement goals for which the lease agreement was developed, in the case of any lease agreement involving state-owned property controlled by an institution of higher education, where the lease has been entered into consistent with the provisions of § 2.2-1155, Code of Virginia.

§4-5.09 Approve space-planning procedures for leased facilities and waive requirements under which agencies can acquire real property by lease, if such action may, in the opinion of the Governor, avoid an increase in cost or otherwise result in a measurable benefit to the state and funds are available within the appropriations made by Chapter 899.

§4-6.04 c.1. Approve basis for charging employees for parking spaces in state-owned facilities and determine the use of parking charges to pay costs of parking.

§4-8.01 c.3 Submit monthly reports on changes in the level of compensation for job classes contained in compensation and classification plans.

B. To the Director, Department of General Services:

§2-0 C Prescribe guidelines for purchase of equipment to be used in structures for which funds are provided.

§4-4.01 g Approve preliminary requirements for capital projects.

§4-4.01 l Require capital projects to conform with space planning guides approved by the Governor or General Assembly for any type of construction.

§4-4.01 o Specify reporting requirements on progress of capital projects, and, if the Governor finds that projects are not making satisfactory progress, take action necessary to ensure that legislative intent is met, as defined in §4-4.01 o.

§4-5.12 a. May sell or lease surplus real property only under certain conditions. Notify in writing the chairmen of the House Appropriations and Senate Finance Committees not less than thirty days prior to such sale or lease.

§4-8.01 b.7 Submit reports on waivers of the requirements on agencies acquiring real property by lease to the Chairmen of House Appropriations and Senate Finance Committees.

§4-8.01 d.1 Submit reports on progress of capital projects to Chairmen of House Appropriations and Senate Finance Committees on a monthly basis, or at such intervals as specified by said chairmen, or as specified elsewhere in the act.

C. To the Director, Department of Human Resource Management:

§4-6.01 f Approval of incentive award payments.

§4-6.01 h Approve a plan for statewide employee meritorious service awards program, as provided in §2.2-1201.12, Code of Virginia.

§4-6.02 Establish uniform rules and regulations by which the head of any state agency may authorize, from any funds appropriated to such department, institution or other state agency in Chapter 899 or subsequently made available for the purpose, compensation or expenses or both for employees pursuing approved training courses or academic studies for the purpose of becoming better equipped for their employment in the state service.

II. Delegation of Authority to Officials in the Office of Commerce and Trade

To the Secretary of Commerce and Trade

130 E.1 Reallocation of unobligated Workforce Investment Board funds.

III. Delegation of Authority to Officials in the Office of Education

To the Secretary of Education:

§4-8.01 e.2 Submit reports on status of certain State Council of Higher Education exemptions to policy which prohibits use of funds for certain academic programs.

IV. Delegations of Authority to Officials in the Office of Finance

A. To the Secretary of Finance:

270 B.2 Request information from institutions of higher education on specific equipment to be purchased through the Virginia College Building Authority.

- C-20.10** Approval of alternative financing scenario for student housing at George Mason University.
- C-67.20** Approval of Virginia Public Building Authority funds for Tidewater Community College capital projects.
- §3-3.02** Direct State Comptroller to restore disputed charges against working capital funds.
- §3-5.01** Transfer of accelerated sales and use tax collections.
- §4-1.02 a** Restrain the State Comptroller from making further disbursements, in whole or in part, out of the appropriations to any agency expending its monies for any purposes other than those specified in Chapter 899.
- §4-1.05 a.4** Report increases in appropriations from revenues received from leases for communications towers.
- §4-1.06 a.1** Approve reappropriation of general fund appropriations unexpended on June 30, 2002, and June 30, 2003, for agencies in the Executive Department.
- §4-1.06 a.1** Prescribe management standards under which unexpended appropriations may be reappropriated for institutions of higher education and other state agencies.
- §4-1.06 a.2** Certify that funds are available before payment for reappropriation is made in cases where the General Assembly provided for reappropriation payable from the general fund.
- §4-1.08** Act on appeals of agency heads regarding allotment of funds from appropriations and authorization of rates of pay.
- §4-5.01 a** Designate appropriations for payment of claims settled pursuant to §2.2-514 of the *Code of Virginia*.

B. To the Director, Department of Planning and Budget:

- 270 A.4** Submission through the budget process of the estimated amount of lease payments and corresponding value of equipment, for transfer to the Virginia College Building Authority.
- 270 B.2** Approve emergency acquisitions of instructional and research equipment through the higher education equipment trust fund by institutions of higher education when the General Assembly is not in session, and report such acquisitions to the Chairmen of the House Appropriations and Senate Finance Committees.

- §2-0 E** Prescribe rules and regulations for expenditures from items identified as "Maintenance Reserve."
- §4-1.06 a.1** Unallot funds from reappropriated balances of Executive Department agencies which relate to three categories of unexpended appropriations, with such unallotted amounts to revert to the general fund.
- §4-2.01 a.1** Give written approval for agencies soliciting and accepting donations, gifts, grants or contracts under stated conditions.
- §4-2.01 a.2** Issue written policies for agencies soliciting and accepting donations, gifts, and grants under stated conditions.
- §4-2.01 c** Higher education planned excess revenues: receive documented information from institutions of higher education generating and retaining fees collected in excess of rates provided in §4-2.01 b.
- §4-2.03 b.1** Include estimated agency indirect cost recoveries in the Budget Bill.
- §4-3.01 b** Reporting of the unauthorized deficit provisions of the Appropriation Act to the governing boards and heads of state agencies.
- §4-4.01 h** Provide prior written approval for architectural or engineering planning, or construction of, or purchase of capital project before it is commenced or revised.
- §4-4.01 h** Release from any capital project appropriation or reappropriation made pursuant to Chapter 899 such sum (or sums) as may be necessary to pay for the preparation of plans and specifications by architects and engineers, provided certain conditions are met.
- §4-4.01 h** Approve the estimated costs of architectural or engineering fees paid on completion of the preliminary design for any such project.
- §4-8.01 b, 1-6** Submit monthly reports on operating appropriations.
- §4-8.01 a.2** Make available annually to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees a report concerning the receipt of any nongeneral funds above amounts specifically appropriated, their sources and the amounts for each agency affected.
- §4-8.01 c.1** Submit monthly reports on status of changes in positions and employment of state agencies affected to the Chairmen of House Appropriations and Senate Finance Committees.

§4-8.01 d.2 Submit monthly reports on progress of capital projects under Governor's authority in §4-4.01 m. which addresses projects not included in the Appropriation Act and which meet specific requirements (e.g. auxiliary enterprise, continue effective operation of existing program).

§4-8.01 e.1 Submit monthly reports on status of new services requested by agencies and authorized by the Governor.

§2 and §9 of Chapters 781, 789, 849, 892, 894 and 896, Acts of Assembly of 1992.
Increase or decrease allocations to specific capital projects, within total amounts allocated (§2) and increase appropriations for capital projects by the amount of the proceeds of donations, gifts, grants, or other nongeneral funds (§9).

V. Delegation of Authority to Officials in the Office of Public Safety

To the Secretary of Public Safety:

§4-5.03 Authorize transfer of prison labor, or farm commodities produced, at any state agency to any other state agency.

VI. Delegation of Authority to Officials in the Office of Technology

To the Director, Department of Information Technology:

§4-5.06 e Approve expenditures for motion picture, television and radio services production and operation.

VI. Delegation of Authority to Officials in the Office of Transportation

To the Secretary of Transportation:

§4-8.01 c.2 Submit monthly reports on status of employment by the Attorney General of special counsel in certain highway proceedings.

Should conflicts arise concerning any action authorized by this Executive Order, such matters shall be resolved by me.

This Executive Order rescinds Executive Order Number Thirty-Five (98) issued by Governor James S. Gilmore, III.

This Executive Order shall be effective July 1, 2002, and shall remain in full force and effect until June 30, 2004, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 26th day of June 2002.

Mark R. Warner, Governor

Attest:

Secretary of the Commonwealth